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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EPIDEMIC SOUND, AB,

 Plaintiff,

 vs.

 META PLATFORMS, INC., f/k/a FACEBOOK,
 INC.,

 Defendant.

CASE NO. 3:22-cv-04223-JSC

**DECLARATION OF M. MONA
 SIMONIAN IN SUPPORT OF
 PLAINTIFF EPIDEMIC SOUND, AB'S
 ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER TO FILE
 UNDER SEAL NEWLY PRODUCED
 DOCUMENTS IN SUPPORT OF
 EPIDEMIC SOUND, AB'S SEPTEMBER
 25, 2024 JOINT DISCOVERY DISPUTE
 CONCERNING RIGHTS MANAGER
 DATA**

The Honorable Jacqueline Scott Corley

DECLARATION OF M. MONA SIMONIAN

I, M. Mona Simonian, declare as follows:

1. I am a partner at Pryor Cashman LLP, counsel of record to Plaintiff Epidemic Sound AB (“Epidemic”). I am admitted to practice law in this Court *pro hac vice*. I have personal knowledge of the facts set forth below, and if called upon to do so, could and would competently testify thereto.

2. I submit this declaration in accordance with Local Rule 7-11(a) and Local Rule 79-5(f) in support of Epidemic’s Administrative Motion to File Under Seal certain newly-produced evidence which further supports Epidemic’s position set forth in the September 25, 2024 Joint Discovery Dispute concerning Defendant Meta Platform Inc.’s refusal to produce the requested Rights Manager data export (the “Joint Dispute”). Meta has designated this evidence, attached hereto as **Exhibit 1**, as “Confidential” under the Protective Order in this action (Dkt. 74).

3. I further submit this declaration to supplement the evidence in support of Epidemic’s portion of the Joint Dispute with the documents attached as Exhibit 1. These documents, Bates stamped META-EPDMS_00188110-12 and 00188113, which Meta produced on September 30, 2024, five days after submission of the Joint Dispute, directly support Epidemic’s position in the Joint Dispute and its efforts to seek an export of Epidemic’s Rights Manager Account for the relevant time period. Epidemic first requested this export in January 2023 and Meta has refused to produce the export.

4. Exhibit 1 hereto consists of an [REDACTED]. (Ex. 1 at META-EPDMS_00188110-12.) In connection with the correspondence therein, [REDACTED]. (Ex. 1 at META-EPDMS_00188113.) [REDACTED].

5. This email chain and attachment, which Meta produced on the last day for substantial completion of its document production and which was not disclosed to Epidemic at the time the Joint Dispute was submitted, demonstrates that Meta has the ability to export the specific Rights Manager Account data Epidemic has been requesting since January 2023, and can do so

without burden. As Exhibit 1 demonstrates, [REDACTED]
[REDACTED] in the very same
month that Epidemic first requested it almost two years ago.

6. Accordingly, Epidemic respectfully submits the attached Exhibit 1 as further
evidence in support of its position set forth in the Joint Dispute.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 2, 2024, at New York, New York.

Signed by:
Mona Simonian
M. Mona Simonian

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ATTESTATION

Pursuant to Civil Local Rule 5-1(h)(3), I attest that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

Date: October 2, 2024

/s/ Adam S. Cashman
Adam S. Cashman